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SENECA RIDGE MANAGEMENT, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SENECA RIDGE MANAGEMENT, LLC,

Plaintiff,

vs.

CHILDREN'S CHOICE LEARNING
CENTERS, INC.,

Defendant.

CASE NO. 2:12-cv-00491

**STIPULATION AND ORDER TO
VACATE PREVIOUS ORDER AND
ORDER TO DISMISS ACTION
WITHOUT PREJUDICE PURSUANT
TO RULE 41(a)(2)**

The parties, Seneca Ridge Management, LLC ("Seneca Ridge") and Defendant Children's Choice Learning Centers, Inc. ("CCLC") (collectively the "Parties") have agreed to a settlement of this current action which requires, among other consideration, that the Court's July 26, 2012 Order which granted, in part, CCLC's Motion to Dismiss be vacated and that the

1 Court's decision on the Motion to Dismiss be deemed pending, and that thereafter this action be
2 voluntarily dismissed without prejudice.

3 Accordingly, the Parties hereby agree and request that the Court order that that portion of
4 this Court's July 26, 2012 Order [Doc. No. 16] which granted in any part Defendant's Motion to
5 Dismiss the Complaint [Doc. No. 10] be vacated and the Court's decision on said motion be
6 deemed pending and having vacated this Court's July 26, 2012 Order, the Court, pursuant to
7 Rule 41(a)(2) voluntarily dismiss without prejudice the entire action including the Complaint,
8 Counts I to V, with each Party to bear its own costs. It is the intention of the Parties and of this
9 Order that the Complaint as originally filed be voluntarily dismissed without prejudice.

10 IT IS SO STIPULATED

11 Dated this __day of November, 2012

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13 /s/ Joseph S. Luchini, Esq.

/s/ David J. Larson, Esq.

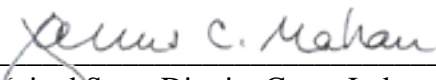
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MANAGEMENT, LLC*

23 IT IS SO ORDERED November 13, 2012.

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United States District Court Judge